

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Copies Mailed/Faxed
Chambers of Vincent L. Braccetti

UNITED STATES OF AMERICA

V.

TERRANCE ROSE,

Defendant.

ORDER

20 CR 517-3 (VB)

In a submission entitled “motion for legal counsel,” dated December 18, 2023 (Doc. #140), defendant Rose requests that the Court appoint counsel to assist him in making a motion for a reduction of sentence pursuant to Amendment 821 to the United States Sentencing Guidelines, which took effect on November 1, 2023.

The motion is DENIED because defendant is not eligible for a sentencing reduction under Amendment 821, and therefore no purpose would be served by appointing counsel.

In Amendment 821, the United States Sentencing Commission amended the Guidelines in two respects. Part A amends Section 4A1.1 by reducing from two (2) to one (1) the number of criminal history points added for offenders who committed the instant offense while under a criminal justice sentence, and by limiting this provision to defendants who received seven (7) or more criminal history points. Part B creates a new Section 4C1.1, which provides for a two-level decrease in offense level for defendants with zero (0) criminal history points who meet specified eligibility criteria.

Defendant does not qualify under Part A of Amendment 821 because he did not commit the instant offense while under a criminal justice sentence. Defendant does not qualify under Part B because he did not have zero criminal history points; indeed, he had 11.

Accordingly, defendant is not eligible for a reduction of sentence pursuant to Amendment 821, and no purpose would be served by appointing counsel to assist him in making such a motion.

Chambers will mail a copy of this Order to defendant at the following address:

Terrance Rose, Register No. 06502-509
USP McCreary
U.S. Penitentiary
P.O. Box 3000
Pine Knot, KY 42635

Dated: December 27, 2023
White Plains, NY

SO ORDERED;

Vincent L. Briccetti
United States District Judge